



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

April 8, 2024

By ECF

The Honorable John P. Cronan
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
New York, New York 10007

Re: *United States v. Mario Powell*, 23 CR 229 (JPC)

Dear Judge Cronan:

The Government writes on behalf of the parties to respectfully request a further adjournment of the trial scheduled for May 20, 2024 (and its accompanying pretrial schedule set out below in full) for approximately two months to the week of Monday, July 22, 2024 or whenever thereafter the Court is first available. As the Government confirmed over the weekend during a telephone conversation with Mr. James Kousouros, Esq., counsel to the defendant, Mr. Kousouros is engaged at present in an ongoing trial in the Eastern District of New York, which was delayed in its commencement and is now also proceeding at a slower pace than anticipated. As a result, Mr. Kousouros now expects that he will either remain on trial or just have concluded trial immediately prior to the current trial date here, which fairly makes the current trial date here no longer viable. The first date on which the parties are both able to reschedule the trial is the week of Monday, July 22, 2024, which underlies the timeframe for the requested adjournment.

Notwithstanding the requested adjournment, the parties still believe that the case in chief of the Government will run for approximately three days.

Current and Proposed Pretrial and Trial Schedule

Government Expert Notice	March 11, 2024	May 20, 2024
Government 404(b) Notice	March 15, 2024	May 28, 2024
Defendant Expert Notice	April 8, 2024	June 3, 2024
Requests to Charge,	April 22, 2024	June 24, 2024
Proposed Voir Dire and Verdict Form, and Motions <i>in Limine</i>		
Motions <i>in Limine</i> Response	May 6, 2024	July 8, 2024
Final Pretrial Conference	May 15, 2024	July 17, 2024
Trial	May 20, 2024	July 22, 2024

Finally, with the consent of the defendant, the Government requests respectfully that the Court exclude time under the Speedy Trial Act from May 20, 2024, through the date of any adjournment of the trial pursuant to 18 U.S.C. § 3161(h)(7) on the basis that the interests of the public and the defendant in a speedy trial are outweighed here by the interests of the defendant in having his retained counsel available to represent him at trial.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney


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cc: James Kousouros and Evan Lipton, Esqs. (Counsel to Defendant Mario Powell) (by ECF)

The request is granted. Trial is adjourned to begin on July 22, 2024. The deadline for the Government's expert disclosures pursuant to Federal Rule of Criminal Procedure 16(a)(1)(G) is adjourned to May 20, 2024. The deadline for Defendant's expert disclosures pursuant to Rule 16(b)(1)(C) is adjourned to June 3, 2024. The Government's deadline to provide Defendant with notice of any evidence it seeks to admit at trial under Federal Rule of Evidence 404(b) is adjourned to May 28, 2024. The deadline for the parties to submit proposed voir dire questions, requests to charge, and proposed verdict forms is adjourned to June 24, 2024. The deadline for motions in limine is also adjourned to June 24, 2024, with oppositions due July 8, 2024. The Final Pretrial Conference is adjourned to July 17, 2024, at 10:00 a.m. in Courtroom 12D of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007.

The Court excludes time pursuant to the Speedy Trial Act from May 20, 2024, until July 22, 2024, pursuant to 18 U.S.C. § 3161(h)(7). The end of justice served by this exclusion is the Defendant's interest in having his retained counsel available to represent him at trial, as well as to be able to adequately prepare for that trial, and that interest outweighs the interests of the public and the Defendant in a speedy trial.

SO ORDERED
Date: April 8, 2024
New York, New York


JOHN P. CRONAN
United States District Judge